

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA

v.

DALE ANDREW ROUNDSTONE,

Defendant.

Case No. CR-08-66-TFH

ORDER APPOINTING COUNSEL

On June 20, 2013, the defendant, Dale Andrew Roundstone, filed a pending Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person In Federal Custody [ECF No. 140], which requested, in addition to other relief, that counsel be appointed and that the motion be held in abeyance to allow the defendant time to obtain his files from prior defense counsel and ascertain whether defense counsel investigated witnesses the defendant asserts has exculpatory information about his case. Upon consideration of the request to appoint counsel and hold the motion in abeyance, as well as the entire record in this case, the Court hereby **ORDERS** that:

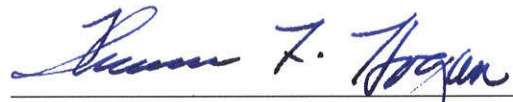
1. The motion to appoint counsel is **GRANTED** and the Federal Defenders of Montana shall locate conflict-free counsel to represent the defendant for the purpose of (A) obtaining and reviewing any case materials retained by prior defense counsel and (B) determining, in consultation with the defendant, whether the defendant's motion merits amendment to allege facts supporting the defendant's contention that prior defense counsel was ineffective for failure to investigate witnesses who have exculpatory information about the defendant. The attorney who accepts the appointment must immediately file a Notice of Appearance, and the Court will issue a formal order of appointment at that time.

2. At this time, the United States shall not seek or accept disclosure of confidential information by the defendant's prior counsel.

3. The defendant shall file any amendment to the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person In Federal Custody [ECF No. 140] no later than 60 days from the date on which newly-appointed counsel files the Notice of Appearance.

IT IS SO ORDERED.

April 2, 2014



Thomas F. Hogan
Senior United States District Judge